



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JUL 18 2008

REGION 2
2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Douglas Neumann, Director
Dresdner Robin
371 Warren Street
P.O. Box 38
Jersey City, New Jersey 07303-0038

**Re: Block 60, Lots 19R and portion of 19H
Jersey City, New Jersey**

Dear Mr. Neumann:

This letter is in response to the June 5, 2008 self-implementing cleanup notification for the above-referenced property. Please be advised that the U.S. Environmental Protection Agency (EPA) has reviewed the self-implementing notification, and has the following comments.

Compliance with 40 CFR 761.61(a)(3): While the notification should have been submitted to the Regional Administrator, this situation can be resolved by sending the Regional Administrator a letter indicating that the notification was sent to James Haklar, of my staff. Furthermore, please provide the written certification required under 40 CFR 761.61(a)(3)(i)(E).

Section 4.0 – Site Investigations: It is unclear from the text exactly how many borings were advanced and how many samples were collected. We understand (from the text on Page 1) that EPA's Emergency & Remedial Response Division advanced 62 borings and collected 157 samples. However, the second full paragraph on Page 2 refers to Dresdner Robin's scope of work including the installation of 181 soil borings (with a collection of up to 5 samples per boring), while the third paragraph refers to 314 borings (with 967 of 1,499 samples analyzed for PCBs). Furthermore, we count 814 sample results in Table 1. Please verify the total number of borings advanced and the total number of samples collected for this project.

Additionally, please note that the notification (i.e., Table 1 and the figures) should include all sample results (EPA's and Dresdner Robin's) on which the cleanup is based.

Section 6.0 – Cleanup Plan: This section should include more detailed information on the cleanup, such as the depth of each excavation depicted on Figure 6; the method for excavating subsurface contamination; the handling and disposal of excavation water; and equipment decontamination (please see 40 CFR 761.79 for water disposal and decontamination requirements).

The text in this section states that “excavated material will be sent to a disposal facility which is licensed to receive such soil”. The federal PCB regulations at 40 CFR 761.61(a)(5) provide options for disposing of PCB remediation waste, based on the 50 part per million (ppm) disposal criterion. Therefore, please identify the type of disposal facilities (as provided in the regulations) that will be used. Additionally, please note that the selection of disposal facilities must be based on the results of as-found, or in-situ, samples collected prior to excavating the soil. In other words, soils with in-situ PCB concentrations at or greater than 50 parts per million cannot be stockpiled and then sampled to see if the stockpile can be disposed of in a non-TSCA or non-RCRA facility.

Since it is our understanding that the post-excavation sampling plan has changed slightly from that proposed in the notification, please describe the changes that were made.

Cap Specifications and Deed Notice: Please verify that construction of the cap and implementation of the deed notice will comply with **all** of the requirements of 40 CFR Sections 761.61 (a)(7) and (a)(8), respectively.

Figures 4C and 4D: Please explain the meaning of the phrase **6”Above Groundwater** in the title of these drawings.

Figure 6: Based on the depiction of sample locations with PCB levels greater than 10 ppm, it appears that contamination may extend beyond the property boundary. Since it does not appear from the figure that locations beyond the property boundary will be remediated, please verify whether any sample collected at or beyond the property boundary showed PCB levels above EPA’s unrestricted high occupancy cleanup level of 1 ppm and if so, please explain how these locations will be addressed.

Please provide an additional figure (similar to Figure 6) that depicts the excavations and sample locations, but with the sample locations (for the highest PCB concentration found at each location) colored as in Figures 4A-4E.

Appendix A – Laboratory Data Packages: Please provide the CD-ROM of the laboratory data (this is missing from Appendix A).

Based on the above comments, at this time EPA cannot approve your plan for cleaning up the site. Please note, however, that the Agency remains committed to working with you, as well as with the New Jersey Department of Environmental Protection (NJDEP), to address the contamination. If you have any questions, please feel free to contact Dr. Haklar at (732) 906-6817.

Sincerely yours,

Daniel Kroft for

Kenneth S. Stoller, P.E., QEP, DEE
Chief
Pesticides and Toxic Substances Branch

cc: Stephen Kehayes, New Jersey Department of Environmental Protection